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LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

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17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/057,786

Applicant(s)

BORSETH, JAY ALAN

Examiner

Hai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

In view of the Appeal Brief filed on 11/06/02, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 40-42 are rejected under 35 U.S.C. 102(a) as being unpatentable by Honda Accord 1996 Owner's Manual, page 89.

Regarding claims 40-42, Honda Accord' Audio system discloses a method of configuring a tuning system for operation in a first locale by determining tuning

frequencies for an associated set of channels; storing the tuning frequencies for the first locale; upon transporting the tuning system to a second locale, reconfiguring the tuning system for operation in the second locale; and upon transporting the tuning system back to the first locale, retrieving the stored tuning frequencies to restore operation in the first locale. Wherein the configuring step comprises the step of scanning for optimal tuning frequencies for the associated set of channels (see whole disclosure of page 89). Regarding "a computer-readable medium having instruction for performing the steps in the method as recited in claim 40", Honda disclosures must have Non-volatile memory with program execution stored in order to function as disclosed. Thus, Honda clearly meets the claim 42's limitation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 13-39 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US 5363142) in view of Albert Nalbandian (ITU-R studies on Spectrum management\Albert Nalbandian\ITU-BR SGD \ 02/05/98).

Regarding claims 1-3, 5-7, 21 and 32-34 Yoshida discloses a television set with proper program codes stored in a microcomputer wherein the system identifies the receiving country code by the remote control and selects and executes a proper

program corresponding to the receiving country code by performing necessary preparation such as band and channel setting according to the receiving country code (Col. 3, lines 1-18). In order to perform such function, Yoshida's system must configure with a set/table of plurality of countries code in order to recognize the receiving country code. Thus Yoshida meets the claimed limitation "a country table listing a plurality of countries" of claims 1 and 2.

Yoshida does not clearly disclose, "the country table references to an associated channel-to-frequency mapping table for the selected country"; However, Yoshida disclose the system performs necessary preparation such as band and channel setting according to the receiving country code (Col. 3, lines 14-17).

Nalbandian discloses the country table lists the countries according to an ITU code and wherein the country table is in relation with corresponding Table of Frequency allocations for broadcasting purpose on each state or countries (channel-to-frequency mapping table) is well known by Recommendation ITU-R SM.1131 (page 3; section 4.1); Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida with country table list according to ITU standard and wherein the country table references to an associated channel-to-frequency mapping table for the selected country, as taught by Nalbandian, so to simplify the Table of Frequency Allocations, ease coordination requirements, promote equipment availability for international markets and reduce production cost, thus helping to meet the requirements of developing countries in particular, see page 3.

Regarding claims 4, 8, 22 and 35, Yoshida further discloses the system performs necessary preparation such as band and channel setting according to the receiving country code also contain a television standard, i.e., SECAM/PAL, NTSC...(Col. 3, lines 5-18).

Regarding claim 9, Yoshida and Nalbandian does not disclose, "embodied in software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by developing software for a specific television tuning system, as a DLL file, so that the DLL file does not consume memory until it is used, and because DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files.

As for "stored on a computer readable storage medium", Yoshida must has some type of storage medium so to store software program and countries codes as disclosed.

Regarding claim 10, Yoshida television system must have a tuner in order to tune to the requested TV channel.

Regarding claim 13, in combination with claims 1-8, 10 and 12; Yoshida television tuning system must has a video decoder circuitry coupled to receive a television video signal from the tuner to convert the received television video signal

to digital video data and a video decoder module (software program) to decode the digital video data according to a particular video standard, as disclosed Col. 3, lines 5-18 (in digital computer environment, RF video signal received at the tuner must be converted from analog to digital so the computer processor could process the receiving RF video signal. Once the converted digital video data is processed by the processor wherein the processor defines the corresponding video standard output to display, i.e., NTSC or PAL/SECAM, the converted digital video data must be converted to corresponding video standard in order to display to the TV display).

Since, Yoshida discloses the process of adjusting the tuner circuitry to a particular TV frequency and determine corresponding video standard output, i.e. NTSC, is based on computer program, the claimed "tuner module" and "video decoder module" limitations are further met by Yoshida's computer program since computer software adjusts both the video and tuner elements of the TV, see Col. 3, lines 5-18.

Regarding claim 14, the claimed limitation " wherein the country table list the countries according to an ITU code" is analyzed with respect to claim 1-3 and 5-7.

Regarding claim 15, Yoshida and Nalbandian does not disclose wherein the tuner module is "embodied in software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by developing software for a specific television

tuning system, as a DLL file, so that the DLL file does not consume memory until it is used, and because a DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files. In this instant case, the module is a tuner module.

Regarding claim 16, as discussed in claim 15, since the tuner module can be written and implemented as a DLL file, a programmer can make corrections or improvements to only that tuner module (DLL file) without affecting the operation of the calling program and does not have to replace the tuner circuitry and the decoding circuitry.

Regarding claims 17 and 25, Yoshida and Nalbandian do not specifically disclose the software program supports API to expose functionality of the tuner module (DLL file).

Official Notice is taken that API is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by using API so that the Yoshida's software program could use those set of routine (API) to direct the performance of procedures by the computer OS.

Regarding claims 18, 23, Yoshida in view of Nalbandian tuner module/code segment (computer program) must store a set of television frequencies that map to corresponding channels within the particular country for subsequent retrieval as disclosed (Col. 3, lines 5-18).

Regarding claim 19 is analyzed with respect to claim 13.



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Regarding to claim 20, as discussed in claims 1-3 and 5-7, Yoshida must has unique country code assigned to the country table list.

Regarding claim 24, Yoshida and Nalbandian do not disclose a television-tuning manager as recited in claim 19, "embodied as a software as a DLL."

Official Notice is taken that software written, as a DDL file is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by developing software for a specific television tuning system, as a DLL file, so that the DLL file does not consume memory until it is used, and because the DLL is a separate file, a programmer can make corrections or improvements to only that module without affecting the operation of the calling program or any other DLL files. In this instant case, the module is a television-tuning manager.

As for "stored on a computer readable storage medium", Yoshida must has some type of storage medium so to store software program and countries codes as disclosed.

Regarding claim 26, as discussed in claims 1-3, 5-7 and 21, Yoshida and Nalbandian do not specifically disclose the software program supports API for a television tuning system and the API being embodied on a computer-readable medium. As for "embodied on a computer readable medium", Yoshida must has some type of storage medium so to store software program and countries codes as disclosed.

Official Notice is taken that API is well known in the computer art under Microsoft Windows environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida in view of Nalbandian by using API so that the Yoshida's software program could use those set of routine (API) to direct the performance of procedures by the computer OS.

Regarding claim 27, as discussed in claim 26, Yoshida further performs all the functions claimed such retrieving all analog video TV standards supported by the tuning system, retrieving a current analog video TV standard in use (i.e., NTSC or PAL/SECAM), setting a current TV channel, retrieving the current TV channel, retrieving highest and lowest channels available, scanning for a precise signal on the current TV channel's frequency, setting a country code, retrieving the country code, setting a storage index for regional channel to frequency mappings, retrieving the storage index , retrieving a number of TV sources plugged into the tuning system setting and retrieving a type of tuning system (detection and setting by retrieving of a video decoding format standard, associated with different countries, such as PAL, NTSC, Secam etc. in order to decode the received TV signal), retrieving a current video frequency (met by the tuner); and retrieving a current audio frequency (the received TV signal having video and audio and the system performs any necessary preparations such as band and channel setting to the program data such as NTSC...).

Regarding claim 28, "receiving an ITU code for a particular country and selecting, based on the ITU code, a set of TV channel-to-TV frequency mapping for use in the particular country" is met by previous discussion in claims 1-3, 5-7 and 21.

Regarding claim 29, Yoshida in view of Nalbandian further disclose the step of selecting, based on the ITU code, a TV standard for use in the particular country, i.e, SECAM/PAL, NTSC...(Col. 3, lines 5-18).

Regarding claim 30, Yoshida in view of Nalbandian must store the selected set of TV channel-to-frequency mappings so to function as disclosed in claims 1-3, 5-7 and 21.

Regarding claim 31, As for "a computer readable medium having computer-executable instruction for performing the steps in the method claim 28", Yoshida in view of Nalbandian must have some type of storage medium so to store software program and countries codes so to perform as disclosed.

Regarding claim 36, Yoshida further discloses the step of scanning for a better quality frequency within the channel (performing any necessary preparations such as band and channel setting; Col. 3, lines 14-18).

Regarding claim 37, as discussed in claims 1-3, 5-7, 21 and 32-34, the step of indexing from an entry for the country in the country table to a particular Frequency Allocations table must be done by Yoshida in view of Nalbandian to perform the function as disclosed "if said destination code is [3AH], the computer identifies it as destined for Europe from programs stored within itself, performing any necessary preparations such as band and channel setting..." (Col. 3, lines 14-18).

Regarding claim 38, as discussed in claims 1-3, 5-7, 21 and 32-34, Yoshida in view of Nalbandian must look-up in the particular channel-to-frequency table (Frequency Allocations table) a TV frequency that correspond to the channel.

Regarding claim 39, Yoshida discloses computer executable instructions for performing the steps in claim 32 (Abstract).

Regarding claim 43, it is analyzed with respect to claims 1-3, 5-7, 21 and 32-34;

Regarding claim 44, it is analyzed with respect to claims 1-3 in combination with claim 4.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US 5363142) in view of Honda Accord 1996 Owner's Manual, page 89.

Regarding claim 12, Yoshida discloses a television system able to tune to various television frequencies carrying television video signals upon transporting the tuner to a new local (input a country code); to scan multiple channels within a particular locale (country) for corresponding frequencies and to store the tuning frequencies for the particular local (country) (Col. 3, lines 5-18);

Yoshida does not disclose, "Upon transporting the tuner back to the particular local, the tuner retrieves the stored tuning frequencies to restore operation in the particular local."

Honda Accord' Audio system discloses a method of configuring a tuning system for operation in a first locale by determining tuning frequencies for an associated set of channels; storing the tuning frequencies for the first locale; upon transporting the

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tuning system to a second locale, reconfiguring the tuning system for operation in the second locale; and upon transporting the tuning system back to the first locale, retrieving the stored tuning frequencies to restore operation in the first locale.

Wherein the configuring step comprises the step of scanning for optimal tuning frequencies for the associated set of channels (see whole disclosure of page 89).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida to retrieve the stored tuning frequencies and to restore operation in the first locale, upon transporting the tuning system back to the first locale, as taught by Honda, so to provide to user a convenience way to retrieve back previous storing programs from the first local as taught by Honda.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to: (703) 872-9314**

for formal communication intended for entry or  
for informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht  
04/03/2003



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600